

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOHN DAGGETT,

Plaintiff,

v.

Case No. 05-C-0084

RICHARD WOLLENGK
Oshkosh City Manager, et al,

Defendants.

ORDER

Pro se plaintiff John Daggett has requested that a subpoena be issued to obtain the appearance of David Baerwald at a deposition in the above matter on July 18, 2005, at 9:30 a.m. According to Daggett's request, the deposition will take place at the Winnebago County Library located at 415 Algoma Blvd., Oshkosh, WI. Pursuant to this court's previous order in the matter, Daggett conferred with counsel for the defendants with respect to the time and date of the deposition.

Counsel for the defendants has confirmed by letter that the time and date are agreeable with him. However, counsel indicates that he has no idea what evidence Baerwald may have in this matter. Daggett has identified Baerwald as a witness to the "assassination", apparently suggesting that Baerwald witnesses the incident that gives rise to the lawsuit. Obviously, if that is true, it is appropriate to allow Daggett to take Baerwald's deposition. On that basis, I will direct the clerk to issue the requested subpoena.

If, on the other hand, it turns out that Baerwald has no information relevant to this case, and if further, counsel for the defendant can demonstrate that Daggett knew or should have known of this fact, he may seek sanctions in the form of the costs and expenses of the deposition against the plaintiff. In other words, Daggett is on notice that the depositions he schedules and arranges must involve individuals with discoverable evidence. In the event unnecessary expenses are incurred, he may be ordered to pay them if such expenses are attributable to his conduct.

SO ORDERED.

Dated this 16th day of June, 2005.

s/ William C. Griesbach
William C. Griesbach
United States District Judge